

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PHOENIX INSURANCE COMPANY a/s/o
Visual Graphic Systems, Inc.,

Index No.: 07-CV-11177

Plaintiff,

-against-

DHL EXPRESS (USA), INC.; STAMACK
CONSTRUCTION, LLC; and CON-TECH, INC.,

Defendants.

**DEMAND FOR FIRST SET
OF INTERROGATORIES**

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S I R S:

PLEASE TAKE NOTICE THAT, pursuant to Article 30 of the CPLR, the answering Defendant, STAMACK CONSTRUCTION, LLC, by their attorneys, LAW OFFICES OF DONALD L. FRUM, hereby demands that plaintiff serve On the undersigned attorneys within thirty (30) days from the date of service hereof, a Verified Bill of Particulars with respect to the following matters:

1. Post office address of plaintiffs and plaintiff's subrogors.
2. The exact date and time of day of the occurrence.
3. State the location of the incident in sufficient detail to permit identification.
4. A statement of the acts or omissions of the answering Defendant, STAMACK CONSTRUCTION, LLC constituting the negligence claimed. If multiple defendants, state **separately**, the acts or omissions constituting the negligence of each defendant.
5. State the manner in which the plaintiff claims, or will claim, the incident occurred.
6. Detail the total amounts, if any, claimed as damages by reasons of: (a) fire damage; (b) business interruption; (c) lost income; (d) lost future income; and (e) contents. Detail the method of calculation of the above damages claimed.
7. Give the dates, if any, claimed for business interruption as a result of the incident.
8. Describe in detail: (a) each individual item of property claimed to be damaged or destroyed; (b) each item claimed to be repaired; (c) each item claimed to be replaced; (d) the exact nature of the damage claimed to each item; (e) the estimated cost of repair of each item claimed to be damaged; (f) the actual cost of repair of each item repaired; (e) the actual cost of replacement of each item replaced; (e) identify the entity(s) who repaired and/or estimated the cost of repair of each item repaired; and (f) identify the entity(s) from which

replacement items were purchased. Provide copies of any and all bills, receipts or estimates, confirming the above.

9. State the month and year that each item of property claimed to be damaged or destroyed was purchased, its cost, and its reasonable market value immediately prior to and after the alleged accident.

10. Identify the original seller of each item of property claimed to be damaged or destroyed, indicating the date of each purchase/sale and the purchase price paid for each item claimed to be damaged. Provide copies of any and all bills, receipts or estimates, confirming the above.

11. State whether the plaintiff(s) are aware of any witnesses to, or anyone who has knowledge of, the circumstances of the occurrence alleged in the complaint. In the answer to the foregoing is in the affirmative: (a) identify each such witness; and (b) set forth whether or not plaintiff(s) are in the possession of a statement of any such witness, and if so, identify from which witness the plaintiff(s) have statements.

12. State the: (a) statutes; (b) ordinances; (c) rules; and (d) regulations, specifying the particular provisions thereof, if any, which are claimed to have been violated by the answering Defendant, STAMACK CONSTRUCTION, LLC.

13. If it is claimed that the limited liability provisions of CPLR § 1601 do not apply, specify which exception in CPLR § 1602 plaintiff relies upon and separately state this for each defendant.

Dated: Elmsford, New York
April 1, 2008

Yours, etc.,

LAW OFFICES OF DONALD L. FRUM

By: Paul S. Zilberfein

Paul S. Zilberfein, Esq. (7462)

Attorneys for Defendant

STAMACK CONSTRUCTION, LLC

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